

1 Thomas F. Bertrand, State Bar No. 056560  
2 Richard W. Osman, State Bar No. 167993  
3 BERTRAND, FOX & ELLIOT  
4 The Waterfront Building  
5 2749 Hyde Street  
6 San Francisco, California 94109  
7 Telephone: (415) 353-0999  
8 Facsimile: (415) 353-0990  
9 Email: [rosman@bfesf.com](mailto:rosman@bfesf.com)

10 Attorneys for Defendants  
11 CITY OF SAN RAFAEL,  
12 RYAN DEMARTA and RYAN COGBILL

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA

15 GREGORY L. SULLIVAN and KOJI FUJITA,

16 Plaintiffs,

17 v.

18 CITY OF SAN RAFAEL, a government entity;  
19 SAN RAFAEL POLICE DEPARTMENT, a  
20 government entity; RYAN DEMARTA,  
21 individually, and in his capacity as police  
22 officer for the CITY OF SAN RAFAEL;  
23 RYAN COGBILL, individually, and in his  
24 capacity as police officer for the CITY OF SAN  
25 RAFAEL; and DOES 1 to 100,

26 Defendants.

Case No. CV 12-01922 MEJ

**DEFENDANTS CITY OF SAN RAFAEL, RYAN  
DEMARTA AND RYAN COGBILL'S REQUEST  
FOR CONTINUANCE OF HEARING ON  
MOTION TO DISMISS; ~~PROPOSED~~ ORDER**

27 Defendants CITY OF SAN RAFAEL, RYAN DEMARTA and RYAN COGBILL hereby request  
28 an order from the court continuing the hearing date on their Motion to Dismiss in the above-named  
action, from the currently-set for June 21, 2012 to July 12, 2012 at 10:00 a.m. Defendants' counsel  
recently received a Notice of Non-Availability from plaintiffs' counsel, whose period of non-availability  
includes the previously-set hearing date for defendants' motion to dismiss. In order to accommodate

plaintiffs' schedule, defendants request the hearing date for the motion to dismiss be continued to Thursday, July 12, 2012 at 10:00 a.m.

Dated: May 30, 2012

BERTRAND, FOX & ELLIOT

By: /s/ Richard W. Osman  
Thomas F. Bertrand  
Richard W. Osman  
Attorneys for Defendants  
CITY OF SAN RAFAEL,  
RYAN DEMARTA and RYAN COGBILL

**[PROPOSED] ORDER**

In light of plaintiffs' counsel's unavailability, and good cause appearing, IT IS HEREBY ORDERED that:

Defendants' Motion to Dismiss Plaintiffs' Complaint, currently set for June 21, 2012, shall be continued to July 12, 2012.

**IT IS SO ORDERED.**

Dated: May 31, 2012

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE